

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-006500-002 DT

06/28/2006

HON. RICHARD J. TRUJILLO

CLERK OF THE COURT
L. Mooney/Y. Smith
Deputy

FILED: 06/30/2006

STATE OF ARIZONA

E G NOYES JR.

v.

NEIL PAUL KELLEY (002)
DOB: 01/26/1985

DAVID BURNELL SMITH

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
FINANCIAL SERVICES-CCC
MCSO
RFR
VICTIM WITNESS DIV-AG-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:19 a.m.

State's Attorney:	E G Noyes Jr.
Defendant's Attorney:	David Smith
Defendant:	Present
Court Reporter:	Blanche Paulsen

Victim and Defendant's mother makes a statement to the Court.

Count(s) 4: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 4: (Amended) Theft
Class 4 Felony
A.R.S. § 13-1802, 1801, 301, 302, 303, 701, 702, 702.01, 801
Date of Offense: August and September 2004

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Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 4 Probation Term: 4 Years

To begin 06/28/2006.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

RESTITUTION: Count 4 - \$42,371.010 payable \$70.00 per month, beginning 08/01/2006, to the following persons:

Lou Ann Wipperfurth (Individual)	\$7,000.00
Keith and/or Linda Meyer (Individual)	\$33,238.00
Jeremy Desmarasi (Individual)	\$168.00
Tracey Breedlove (Individual)	\$375.00
Elaine Macroglou (Individual)	\$1,500.00

IT IS ORDERED that restitution be paid jointly and severally with Bruce Allen Kelley, Sr. in case number(s) CR2006-006500-001 DT.

Restitution ledger provided; priority of payment as stated in the restitution ledger.

PROBATION SERVICE FEE: Count 4 - \$30.00 per month, beginning 08/01/2006.

ASSESSMENTS:

Count 4: PROBATION SURCHARGE: \$5.00

Count 4: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

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Condition 19 - Count 4: Complete 100 hours of approved community work service at a minimum rate of 10 hours per month beginning as directed in writing by the Adult Probation Department.

Condition 21 - Count 4: Be incarcerated in the county jail for 30 day(s), beginning 07/07/2006 at 9:00 a.m. with credit for 0 day(s) served.

Not to be released until 08/06/2006.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

The Defendant is eligible for work release from Monday through Friday from 9:00 a.m. to 9:00 p.m.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 3, 5, 6, 9 and 10.

Count(s) 4: IT IS ORDERED Defendant self-surrender to the custody of the Maricopa County Sheriff and authorizing the Sheriff to carry out the term of incarceration.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

9:42 a.m. Matter concludes.

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HON. RICHARD J. TRUJILLO
JUDGE OF THE SUPERIOR COURT

(thumbprint)